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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/803,806 | 03/17/2004 | James Marggraff | 020824-004610US | 5601 |
| 41066 | 7590 | 06/29/2006 | EXAMINER | |
| WAGNER, MURABITO & HAO, LLP TWO NORTH MARKET STREET, THIRD FLOOR SAN JOSE, CA 95113 | | | HARRIS, CHANDA L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3715 | |
| DATE MAILED: 06/29/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,806

Applicant(s)

MARGGRAFF ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Status of Claims

In response to the Amendment filed 4/10/06, Claims 37-72 are pending. Claims 1-36 are cancelled.

Claim Objections

Claims 46, 58, and 70 are objected to because of the following informalities: Claims 46, 58, and 70 recite the limitation "the instructional input" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37-39, 41-44, 46-51, 53-56, 58-63, 65-68 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (US 5,596,698).

1. [Claims 37,49,61]: Regarding Claims 37,49, and 61, Morgan discloses a processor (Fig.3, (16)); an input device (i.e., stylus and digitizer, Fig.3 (14)); and an output device (e.g., speaker, Fig.3, (34)). Morgan discloses wherein the processor, in

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response to a task presented to a user, accepts unstructured input (i.e., writing) from the user on the input device and determines whether an instructional response (i.e., feedback) should be output. See Col.4: 42-43.

2. [Claims 38,50,62]: Regarding Claims 38, 50, and 62, Morgan discloses wherein the unstructured input comprises a print element (e.g., a word) created by the user on a surface. See Col.4: 47-51.

3. [Claims 39,51,63]: Regarding Claims 39, 51, and 63, Morgan discloses the computing device further comprising a writing element (i.e., a stylus simulating a pen). See Col.3: 32-34.

4. [Claims 41,53,65]: Regarding Claims 41,53, and 65, Morgan discloses wherein the output device is an audio output device (i.e., speaker). See Fig.3.

5. [Claims 42-43,54-55,66-67]: Regarding Claims 42-43, 54-55, and 66-67, Morgan discloses wherein the task is audibly presented to the user by the audio output device and wherein the instructional response is an audio instructional response presented to the user by the audio output device in Col.4: 46-47: For reading and spelling courses, the TeachPad computer 10 would use video and audio to present the word.

6. [Claims 44,56,68]: Regarding Claims 44, 56, and 68, Morgan discloses wherein the output device is configured to generate an audio output (i.e., feedback) related to a user created print element on a writing surface. See Col.4: 42-43.

7. [Claims 46-47,58-59,70-71]: Regarding Claims 46-47, 58-59, and 70-71 Morgan discloses wherein the instructional input is a non-keyboard (i.e., writing) user input and

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wherein the instructional response relates to the task presented to the user. See Col.4: 42-43.

8. [Claims 48,60,72]: Regarding Claims 48, 60, and 72, Morgan discloses a writing device and wherein the processor, input device, output device and writing device (i.e., stylus and digitizer) are associated with a housing having a pen-like appearance. See Fig.3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 45, 52, 57, 64, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Greanias et al. (US 5,007,085).

[Claims 40,45,52,57,64,69]: Regarding Claims 40, 45, 52, 57, 64, and 69, Morgan discloses a memory unit (e.g., Read-Only Memory (ROM)) comprising code for different audio output corresponding to the print element (e.g., word). See Fig.3 and Col.4: 46-47.

Morgan does not disclose expressly a stylus having an optical detector, a processor coupled to the optical detector and wherein the writing surface has a plurality of substantially invisible codes (e.g., dot of light, grid signal) at a plurality of positions for

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determining a location of a plurality of different print elements on the surface. However, Greanias teaches such as being old and well known in the art. See Col.1: 29-44:

Various types of interactive input devices for use at the display surface have been provided in the prior art. One of the first devices was the light pen, which is an optical detector in a hand held stylus, which is placed against the face of a cathode ray tube. The location of the light pen is determined by detecting the coordinates of the dot of light which is the scanning raster of the display. A second interactive input device is a opaque graphic tablet, upon which a sheet of drawing paper might be placed for tracing with a stylus or other instrument. A horizontal wire grid and a vertical wire grid are embedded in the surface of the tablet which are driven with an electromagnetic signal. The computer system establishes the stylus position by receiving the grid signal through the stylus by way of a signal detector.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Morgan, in light of the teaching of Greanias, in order to provide an interactive input device for use at a display surface.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bearden et al. (US 4,748,318)
-optical detector, light pen, bar code
- Greanias et al. (US 5,117,071)

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-light pen is an optical detector in a hand held stylus.

- Greanias et al. (US 4,686,332)

-light pen which is an optical detector

- Olschafskie et al. (US 5,301,243)

-hand-held scanner with optical detector

- Nagamine (US 5,509,087)

-data entry and writing device with an optical detector

- Olschafskie et al. (US 5,574,804)

-hand-held scanner with optical detector

- Morsy et al. (US 2003/0134257)

-user's characteristic response is recognized via handwriting and speech recognition techniques and educational feedback is communicated to the user

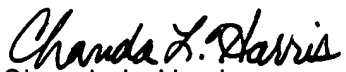
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Chanda L. Harris
Primary Examiner
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